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Q Now let me take you back again to the first time you heard the mumbling of voices - how many voices did you hear?

A There was a number of them.

Q You recall you said you saw only one man's face there, but did you see other objects like men walking around?

A I couldn't tell. There was something moving. I couldn't see, it was dark.

Q Well, was there anything there, moving, like a colored man - did you see a colored man in the car?

A No, I thought the man in the lane was a colored man.

Q The man you saw standing with the automobile?

A The man and lady in the lane the first time.

Q You mean the two that were revealed by the automobile lights?

A Yes, sir.

Q You say the man with her looked like a colored man?

A Yes, sir.

Q Heavy, thick set man? A Yes, sir.

Q Did you notice whether he had a moustache or not?

A Yes, sir, I think so.

Q That woman you saw, did she resemble the woman you saw kneeling at the scene of the crime?

A Yes, sir; the reason I didn't bother was because I thought it was a white woman with a colored man, and I just went

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on about my business.

Q The first couple you saw was this woman you now identify as Mrs. Hall, with a man that looked like a colored man?

A Yes, sir.

Q Who was heavy set and had a moustache?

A Yes, sir.

CROSS EXAMINATION BY MR. PFEIFFER:

Q Mrs. Gibson, what is it you said makes you recall so clearly this night, something about your mother?

A My mother moved from Bayonne.

Q And what was your mother's name?

A Mrs. Cerremen.

Q And where did she live in Bayonne?

A I don't know where she lives now.

Q Where did she live at that time?

A She lived on Avenue D.

Q Was she at your house at that time?

A No, sir.

Q It is because she moved around that time that you recall this incident?

A Not only that, but I recall that on Sunday I had the date, where I had it marked, where I had been robbed.

Q What did her moving have to do with recalling that inci-

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dent to your mind - just explain how that happened to refresh your recollection?

A Well, because she had moved on that date.

Q What date?

A On the same night, the 14th of September, 1922.

Q What time?

A What do you mean?

Q What time?

A What time did my mother move?

Q No, what time were the murders committed on September 14th 1922?

A Well, somewheres around ten o'clock, or a little after ten, or maybe a few minutes before - I am not positive as to time.

Q Mr. Simpson didn't ask you anything about time, did he?

MR. SIMPSON: I object to that your Honor. Perhaps he will allow you to rule on that objection.

I object on the ground that what I asked her is perfectly apparent and her opinion is immaterial. This is in no sense a trial. Your Honor is simply, through courtesy, allowing them to appear. They have no right as I understand it. I am asking your Honor to rule on my objection; as to whether I asked her about time is immaterial. Whether I have been derelict in my

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examination certainly is nothing to call for an opinion from her about.

COURT: Objection sustained.

Q About ten o'clock, what do you mean, you heard shots fired or you left your home, or what?

A Left my house.

Q About ten o'clock? A No, sir.

Q What time did you leave your house?

A I left some time before nine.

Q How far is it from your house to the place where you heard the shots?

A Two and a half miles.

Q And did it take you an hour to go two and a half miles on your mule?

A Yes, it would take me, to follow a wagon. I couldn't work any faster than the wagon did. Besides that I came back the lane and walked back to where the brush was.

Q From the time you left your house was it bright moonlight?

A No, sir, it was not, it was dark.

Q When did the moon conveniently come out?

A About the time I left the second time.

Q The second time? A Yes, sir.

Q So that when you saw figures the first time you saw figures, the two in the road, there was no moon?

A No, sir.

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Q And you identify them by their standing in the glare of a headlight?

A Yes, sir, I did.

Q Did they seem to move?

A No, they were waiting for the car to come in, the same as I was.

Q And this man you thought was a colored man, and this woman you thought was a white woman, when the first glare of the automobile came upon them, they didn't move, they stood right there?

A Yes, sir.

Q How was it you happened to go back a second time after you had gone home - how was it you happened to have gone back to the scene of the murder?

A I have often shot the gun on my place when there was noise. I didn't shoot anybody yet. I have been living there almost fourteen years. The noise doesn't mean anything.

Q Mrs. Gibson, I am not accusing you of shooting anybody. You say you heard angry voices?

A Yes, I heard a quarrel.

Q You heard the angry voices before the shots?

A I did.

Q You heard a quarrel? A Yes, sir.

Q You heard mumbling?

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A Yes, I did, I knew there was a quarrel, before I saw them.

Q You heard somebody say something about letters, "explain these letters."

A Something about an explanation, I didn't know what it was.

Q And then you heard one shot?

A One shot, and then when I was mounting the mule I heard three more.

Q Didn't it occur to you that there might have been a murder committed?

A No, never thought of murder. I would have acted entirely different.

Q When you left your house the second time it was not because you had heard shots after a quarrel, it was merely to get your moccasin, State's Exhibit L?

A To get my moccasin, and I might catch the thief yet. I was determined because I had been robbed so much.

Q Mrs. Gibson, where was it that you identified Mrs. Hall?

A Where was it?

Q Yes. A In the Prosecutor's Office.

Q In his room? A No, sir.

Q Where? A In the office.

Q Who else was in the room at the time?

A Several people.

Q Were you in the room before Mrs. Hall came in the room?

A No, sir, I was not.

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Q Mrs. Hall was in the room when you came in?

A Yes, sir.

Q Did she have on a coat? A Yes, sir.

Q She had been asked to put on a coat by the Prosecutor, hadn't she?

A I believe so, yes.

Q That was the same coat that you say you saw her in that night?

A No, it was not.

Q Oh, I see, another coat? A Another coat.

Q Anything like the coat you saw her in that night?

A No, sir, that was a real light gray, and this coat was a tan coat.

Q And what did you say when Mrs. Hall came in the room?

A I didn't say anything.

Q Did you go out of the room then, or did Mrs. Hall go out of the room?

A No, I went out.

Q Do you mean you didn't point to her or anything while you were in the room?

A No, sir.

Q How many women were in the room?

A Only the one.

Q Only Mrs. Hall was in the room, and you were too, and your point was to identify a woman, wasn't it?

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A Yes, sir.

Q And the identification was made with one woman in the room, that is clear, isn't it, in your mind, with one woman other than yourself?

A Yes, sir. I didn't go there to identify the woman at the time. I went in to make a complaint that I had lost corn. Somebody had stole my corn and I made a complaint.

Q When was it you went to the Prosecutor's office the first time?

A I don't remember the date.

Q About how long after these incidents occurred that you speak of?

A Some little time.

Q It was several weeks, wasn't it, Mrs. Gibson?

A I am not sure as to time. I don't remember that.

Q Your memory is extraordinarily good as to conversations that occurred at midnight, and in the moonlight. Don't you know how long it was after September 14th before you went to the Prosecutor?

A I am not sure. I don't like to say.

Q Don't know whether it was a week or two weeks?

A I guess it was around two weeks, or something like that. May have been that, I don't know.

Q When did you learn that two dead bodies had been found at the place where you heard the disturbance that night?

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A Sunday's paper.

Q You mean Sunday September 17th?

A Yes, I guess that would be it.

Q Did you put two and two together and connect the finding of the dead bodies with the quarrel and shots you had heard?

A Well, I didn't quite think of that. I didn't think anything at the time.

Q Oh, I see, it never occurred to you?

A Well, I didn't think anything. The truth of the matter is this, that I didn't know where I was when I did go in there. I have never been down there before in my life. I really didn't know where I was. I didn't know who owned the property or who lived on it, or anything about it.

Q You have done a good deal of night riding in the course of your lifetime?

A I have done a good deal of night riding? No, I haven't done a good deal of it.

Q Haven't you been out frequently on your mule "Jenny?"

A Yes, when my hogs get out I hunt them up.

Q Was this the first time you ever made an expedition on your mule at night?

A Yes, this was the first time. ~~when~~ I am a very poor hand to go out nights any way.

Q Why, are you afraid?

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MR. SIMPSON: I object. I submit that is not proper cross examination. This is in no sense a trial.

COURT: Sustained.

Q Now, you say that when you first saw persons there, you saw two persons in the lane, one of whom was Mrs. Hall, is that correct?

A Yes, sir.

Q Who was the other person?

A I don't know. A tall heavy set man.

Q In the - -

MR. SIMPSON: I would like that answer.

WITNESS: Tall heavy man. I thought it was a colored man.

Q In the course of the identifications you have made, have you been able to identify that particular person?

A This man there (indicating Mr. Stevens) I don't know who that is, but that is the man that was in the lane.

Q The man with the glasses?

A This man, I don't know who he is.

MR. SIMPSON: Are you speaking of William Stevens or Henry Carpenter?

WITNESS: This is the man, (indicating Mr. Stevens) I don't know his name thought I remember the man.

(Witness refers to defendant William Stevens).

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Q You didn't tell Mr. Simpson that, did you?

MR. SIMPSON: She never saw him, as I understand it.

Q May I ask the witness to answer the question instead of the Prosecutor.

MR. SIMPSON: I object to that. What difference does it make whether she told me. I didn't ask her that.

COURT: It wasn't asked her.

Q Is this the first time you have ever seen Mr. William Stevens?

A Yes, sir.

Q You heard one pistol shot some time later, didn't you, after you had seen these two figures?

A Yes, sir.

Q And then you heard three pistol shots?

A Yes, sir, when I was going for the mule I heard three more.

Q Did you hear anything said just before, between, or after you heard the pistol shots?

A The one shot I heard two women, one screamed and the other said, "Oh Henry."

Q What? A I don't know what.

Q "Oh Henry," that is all?

A That is it, that was it.

Q And after the first, I understood you heard that in be-

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tween the shots, after the first shot?

A At the same time, the shot and then the screaming.

Q Then how long an interval was there between the first shot and the succeeding three shots?

A Almost right away.

Q And did you hear anything said after the three shots?

A I didn't hear anything. I didn't stop. I just run. There was mumbling and talking.

Q You didn't know whether any murder had been committed did you?

A No, sir, I did not.

Q Well, why did you run?

A Well, I run because I heard shots.

Q Well, you fired a gun yourself lots of times, didn't you?

A Yes, I know it.

Q You didn't run after that, did you?

A No, not after my own gun. If it had been my shots - -

Q Why did you run?

A Because I run - I didn't know who was there or what was the matter. I just wanted to run and get away from there.

Q You didn't think it might be wise to make a report to the police department, or State Police Officers?

A Nobody ever made any reports about my gun.

Q And it never occurred to you there had been a murder committed?

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A Never thought of it.

Q Mrs. Gibson, you say you came to the Prosecutor's Office to make a complaint about somebody stealing your corn?

A Yes, sir.

Q And you don't recall how long after September 14th that was, do you. It was some little time?

A That I don't know, I don't remember.

Q Don't you remember it was around the middle of October - somewhere around then?

A Might have been, I wouldn't say.

Q Almost a month after the crime?

A I don't know, I don't remember that.

Q And you didn't go to the Prosecutor's Office with any thought in mind of what you had seen this night?

A No, sir.

Q You had learned Sunday that there were two dead bodies found around the place you had been?

A No, I didn't know it was where I was, because I didn't know that part of the country at all. I had never been over there before.

Q So that the reason why you didn't report to the authorities that you had heard these things was that you didn't know you were anywhere in that vicinity?

A No, sir.

Q How long have you lived on this farm?

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A About fourteen years.

Q And you had no conception of where you were?

A No, sir, only that I followed the wagon.

Q Wasn't the moon shining brightly?

A Late at night, yes. I just knew I was there and knew I had followed somebody.

Q What newspaper do you read normally?

MR. SIMPSON: I object. What does he mean by a normal newspaper. What newspaper do you read normally? It seems to me that is rather a difficult question for this witness to answer.

MR. PFEIFFER: Usually is what I meant. I accept the Prosecutor's correction.

A No paper in particular, because I never buy any paper myself. It is only when somebody might buy one and bring it.

Q You said you read Sunday morning - what newspaper did you read that in?

A It was a New York paper.

Q Which one do you think it was?

A Couldn't say. I have no recollection whatsoever. We have no steady paper.

Q Did any newspaper men come to you and see you before you went to the Prosecutor's Office?

A It seems to me - I am not sure of that, I couldn't say.

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That I don't remember.

Q Didn't a representative of the New York Journal come to your house?

A I don't remember that.

Q Don't remember that?

A No, sir, I don't.

Q But you do remember these conversations in detail that you heard on that night?

A Yes, sir.

Q Well, do you mean to say that you don't remember who the representative was?

A No, sir, I don't.

Q But there was some newspaper man came to your house before you went to the Prosecutor?

A There was some, yes.

Q Before you went to the Prosecutor?

A Before or after, I don't remember which.

Q You are not able to recall whether it was before or after?

A I don't recall.

Q It is rather significant, Mrs. Gibson, are you sure you don't know - -

MR. SIMPSON: I object to that.

MR. PFEIFFER: The credibility of this witness is in issue. I think I ought to be given some latitude.

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MR. SIMPSON: I don't think he has any right to state a fact though. I don't think he has any right to characterize that in cross examination.

COURT: The answer was the same, however.

Q After you gave your story to the Prosecutor you went to the station with Mr. David, Ferdinand David?

A Yes, sir, I did.

Q For the purpose of identifying Mr. Harry Carpenter?

A Yes, sir.

Q And you went there - you went there along with Mr. David?

A Yes, sir.

Q What time was it?

A I don't remember the time.

Q Was it morning or night?

A Morning, I believe.

Q Was it some days after you had first gone to the Prosecutor's Office? A Yes, sir.

Q And how long did you wait there? At the station?

A At the railroad station? I don't know. I don't remember that.

Q You don't recall. How did you happen to identify Mr. Harry Carpenter, Mrs. Gibson?

A Why I remembered the face by the flashlight.

Q What flashlight?

A That was in the field.

Who
had it

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Q You mean the two persons you saw, the two you met there?

A Two persons?

Q Yes, you said you saw a man and woman?

A No, sir.

Q I say, was he one of those?

A No, sir.

Q But you saw him by a flashlight?

A Yes, sir.

Q Who had the flashlight in hand?

A I couldn't say, I don't know.

Q Was it in the hands of a man or woman?

A I couldn't say. It was dark. I couldn't tell.

Q I see, the moon had not yet come up?

A No, sir.

Q Was it cloudy? A It was dark.

Q The moon had not come up above the horizon?

A No moon at all.

Q And ~~wish~~ whom was Mr. Carpenter when he came to the station?

A I didn't see him coming at all. I don't know.

Q Where did you see him?

A Inside, talking to some other man, to a couple of men - several men.

Q And you unhesitatingly picked him out?

A Well, I took my time. I first looked at every one and I

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saw the same face I saw that night.

Q Were you in doubt who it was? A No, sir.

Q Then why did you look at every one?

A How would I know unless I looked at everybody?

Q After you identified him, why did you keep on looking?

MR. SIMPSON: I object. She hasn't said she kept on looking. She said she looked at every face and when she saw his face she knew it was the same face she had seen the electric light on, so that is a mis-quotation of testimony when he says, "Why did you look at other faces after you had seen him?" I object to the question on the ground that he mis-quotes the evidence. She has not said she looked at anybody after she had found the man.

Q Did Mr. David say anything to you while you were identifying Mr. Carpenter?

A I wasn't near Mr. David.

Q You stood all alone? A Yes, sir.

Q He didn't say anything to you before Mr. Carpenter came in the station?

A No, sir.

Q Before Mr. Carpenter came in the station?

A Not that I remember.

Q What time was it, about, you think, that you heard the first shot? A I don't know.

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Q Well, to go back again, when do you think you left the house the first time?

A I left before nine o'clock.

Q You left before nine o'clock. You went about two miles and a half, correct?

A Yes, sir.

Q And did you have a watch on? A No, sir.

Q So that you didn't observe the time until you got back to your house, is that correct?

A Well, I didn't look at the time then.

Q And you didn't look at the time when you got back to the house? A No, sir.

Q And then you journeyed out again upon the mule later on?

A A little later, yes.

Q What time was that, did you look at a clock in the meantime?

A No, sir.

Q And when you came back from your journey for the lost moccasin what time was it?

MR. SIMPSON: There is no testimony about that.

COURT: When she came back after looking for the moccasin.

Q And what time was that, when you got back to your house after looking for the moccasin? A Very late.

Q Well, did you look at a clock?

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A I don't remember that I did.

Q Well, did you look at a clock before you left the house around nine oclock?

A No, sir, I did not.

Q How do you recall you left before nine o'clock?

A Because the bus goes to New Brunswick and it passes the house anywheres from twenty-five minutes to nine to quarter to nine, and I know they always come there before nine o'clock.

Q And you left the house before or after the bus passed?

A Right after the bus passed.

Q So that is the way you fix the time about nine o'clock?

A Yes.

Q Is that the time you told the Prosecutors four years ago?

A Yes, the same time.

Q Did you tell them you went back to the scene and saw the lady crying, kneeling over the bodies, about one-thirty four years ago?

A Yes, I did. I don't remember what time it was.

Q I say, four years ago did you tell the prosecutors it was one-thirty?

A I don't remember what time.

Q Four years ago did you tell the Prosecutors you were there and saw the lady bending over the bodies about one-thirty?

A I couldn't say what time it was at that time.

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COURT: Do you mean by that you don't recall having said what time it was?

WITNESS: Yes, sir, I don't remember just exactly what time it was.

Q Is the story you are telling now identical with the story you told four years ago?

MR. SIMPSON: I object. Your Honor would have to have her story she told four years ago and also what she tells now. It is not for her to say whether it is identical. It is for your Honor to say.

COURT: If there is any attack on the credibility because of that, that would be a matter of defense. I understand that if the idea is to attack credibility by showing the difference between the testimony now if there is any, and that of some time ago - that is the idea?

MR. PFEIFFER: Yes, sir, it is to impeach the witness' credibility.

MR. SIMPSON: It is a matter for the trial.

COURT: If there is any discrepancy existing you might present that as a matter of defense, or as a matter of attacking the credibility. I don't believe that the conclusions that this witness might make now would have any relevancy as to what was contained in the testimony.

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MR. SIMPSON: Suppose she says it is identical, how would that help you?

Q Mrs. Gibson, did you tell the Prosecutor four years ago that you went back to the scene and saw Mrs. Hall bending over the bodies at half past one at night?

A I don't remember about the time, but I think so.

MR. SIMPSON: There has been so many Prosecutors in this case that I think this witness is entitled to have the man picked out, Mr. Beekman, Stricker, Mott and I don't know how many more. She ought to have the man picked out, "Did you tell Beekman," "Did you tell Stricker," "Did you tell Mott."

COURT: Of course, technically speaking, that would be so.

MR. SIMPSON: She may not know what a Prosecutor is.

Q Will you answer that question, do you know what a Prosecutor is?

A Do I know what a Prosecutor is?

Q Yes. A Well, I do and I don't. I don't know how to answer that.

Q Did you make any statement to Mr. Stricker, Mr. Beekman, Mr. Mott, Mr. Toulon or to Mr. McGran, or to Detective Totten, or Novatto, or Mason, or David, or to anyone, about four years ago, when this case was under an investi-

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gation, that you were present at the scene where these bodies were subsequently found, and saw Mrs. Hall there bending over, crying, at about one-thirty a.m., in the morning?

MR. SIMPSON: I don't object to that, but I think it should be clear that he is bound by her answer. He is making her his own witness in this investigation. I don't object to the question.

Q (Question repeated)

A I might have, I am not sure.

Q Well, you decline to make such a statement now, don't you, because you don't know whether it was one-thirty?

A I don't recall the time.

Q Mrs. Gibson, you have been arrested a good many times for assault, haven't you?

MR. SIMPSON: I object.

A (Interrupting) Never been arrested in my life.

MR. SIMPSON: The statute prescribes that a conviction of crime may be introduced, not an arrest.

Q Have you ever been convicted of crime? A No, sir.

Q Have you ever lived in Trenton?

MR. SIMPSON: I object. Is that an attack upon her credibility? That is where the Legislature meets but I don't think that is binding upon us in this inquiry. But this is not a trial. The mere fact of

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residence in Trenton - the Chancellor lives there and the Attorney General - a lot of people live in Trenton - that is not of any effect.

COURT: I will permit the question. Did you live in Trenton?

WITNESS: Yes, sir.

Q How long ago? A About fourteen years ago.

Q And under what name did you live there?

A Under the name of Mrs. William Easton.

MR. SIMPSON: I object to that. Many people, professional people live under names other than their own. It is nothing attacking credibility.

COURT: Unless it be followed up.

MR. SIMPSON: You might start at the beginning of the World. She is entitled to have the question he has got in his mind plunked at her, "Did you do this thing?" When a man is Knighted in England he takes another name. That doesn't affect his credibility.

COURT: Not necessarily, no.

MR. SIMPSON: Sometimes.

Q Mrs. Gibson, what was your name before you were married?

A My name?

Q Yes, your maiden name?

A My maiden name was Leitner.

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Q How do you spell it?

A L-e-i-t-n-e-r.

Q And your first name?

A Mary Jane.

Q And will you tell me where you were born?

A Where was I born? I couldn't tell. I don't know where I was born.

Q Were you born in the United States?

A Somewhere in the United States. Kentucky, I believe, if I am right. I have been told so.

MR. SIMPSON: Everyone of us has been told. We don't know ourselves.

Q Have you engaged in any occupation?

MR. SIMPSON: I object. That is entirely beside the mark.

COURT: What is the purpose?

MR. PFEIFFER: I want to find the history of this witness.

MR. SIMPSON: Maybe she was a circus rider.

COURT: I will allow you all the leeway that is possible, but I don't want to take any too much time.

Q Were you ever a circus rider? A Yes, I was.

Q With what company?

MR. SIMPSON: I object to that. What difference

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does it make, whether it was Barnum's or Huber's or what else?

I am told we have just discovered all the missing statements so they will be here in a minute.

MR. PFEIFFER: Nothing further.

RE-DIRECT EXAMINATION BY MR. SIMPSON:

Q Just one question. Counsel Pfeiffer asked you about being over at the Prosecutor's Office and identifying the lady there. What Prosecutor was it, was it Middlesex?

A New Brunswick.

Q What happened, were you taken into a room and asked to identify anybody?

A I didn't go to pick anybody out. I went in to make a complaint about corn I had lost and I saw this same woman sitting there talking.

Q With whom? A To some man.

Q And what did you say?

A I didn't say anything then.

Q When did you tell this was the woman?

A After that.

Q After you had seen her there? A Yes, sir.

Q You found her sitting in the office when you went in to make a complaint? A Yes, sir.

Q There has been some talk about your going to the police. You didn't make this statement until you found some boy